

**From:** [Charles Keith](#)  
**To:** [Mark Grotefeld](#)  
**Cc:** [John McCoy](#); [david.vansoest@tceq.texas.gov](#); [kelly.cook@tceq.texas.gov](#); [kathleen.decker@tceq.texas.gov](#); [susan.jablonski@tceq.texas.gov](#); [don.holmstrom@csb.gov](#); [daniel.horowitz@csb.gov](#); [chris.lyon@csb.gov](#); [johnnie.banks@csb.gov](#); [Quinones, Edwin](#); [Hayes, Mark](#); [lewis.jeffrey@dol.gov](#); [Le, Madeleine - SOL](#); [rector.jack@dol.gov](#); [Schoen, Michael - SOL](#); [Hayes Fuller](#); [Matt Wilber](#); [Zona Jones](#); [Jim Klick](#); [Patrick Gareis](#); [Waylon Pickett](#); [Anooj Thakrar](#); [Kevin Mosley](#); [ktaunton@tsslawfirm.com](#); [fredwilson@up.com](#); [Laurence Leavitt](#); [Brook Laskey](#); [Eugene LaFlamme](#); [Matt Rosek](#); [Lori Brown](#)  
**Subject:** Re: AN removal draft protocol  
**Date:** Monday, May 27, 2013 2:31:46 PM

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All,

This week we will be sending out another notice for the walk-through inspection of the West Fertilizer property, which will take place on Monday June 3, 2013.

We will begin the day with a briefing. The time and location of the briefing will be sent in the notice.

After the briefing, Crane Engineering representatives will begin taking interested parties through the site in small groups. During these small-group tours, you will be permitted to photograph the scene as the ATF left it.

On Tuesday, June 4, 2013, Crane Engineering will form a steering committee made up of a single representative from each interested party. During the committee meeting we will discuss the following:

1. Removal of debris from the side of Jerry Mashek Road and adjoining properties
2. Removal of equipment from the south sector of the property
3. Removal of AN from the rail car

Please watch for the notice from Mr. McCoy's office. In the meantime, if you have any questions, feel free to contact me or Matt Wilber.

Chuck Keith, PE  
Crane Engineering

Sent from my iPad

On May 27, 2013, at 12:11 PM, "Mark Grotefeld" <[mgrrotefeld@ghlaw-llp.com](mailto:mgrrotefeld@ghlaw-llp.com)> wrote:

Okay. Thanks for clearing that up.

Also, just to confirm, we begin the inspection process the morning of Monday June 3rd instead of the previously scheduled kick off date of Tuesday June 4.

Sent from my iPhone

On May 26, 2013, at 8:53 PM, "John McCoy" <[jmccoy@mlllaw.com](mailto:jmccoy@mlllaw.com)> wrote:



9452386

I was originally told AN would be removed before the June 3-4 inspection. Crane now tells me it is after the 3-4 inspection. So it is after June 3-4 inspection that AN will be removed.

Sent from my iPhone

On May 26, 2013, at 7:41 PM, "Mark Grotefeld" <[mgrotefeld@ghlaw-llp.com](mailto:mgrotefeld@ghlaw-llp.com)> wrote:

John:

Now I am really confused. Your earlier statement was that the AN would be removed before the inspection on June 3-4, but now you suggest the sampling/ removal of AN will take place afterwards. Our preference is that AN is removed after the inspection of June 3-4. That way we all have time to discuss and come to agreement on the protocol for taking the appropriate sampling of AN from the railcar.

Kindly confirm which will be the case as it weighs heavily in our needs to reach timely agreement on sampling.

Thank you.

Mark S. Grotefeld  
Grotefeld Hoffmann

On May 26, 2013, at 6:49 PM, "John McCoy" <[jmccoy@mlllaw.com](mailto:jmccoy@mlllaw.com)> wrote:

My understanding is the AN will not be removed before the 4th. So that can be hammered out before it is removed. By the interested parties.

Sent from my iPhone

On May 26, 2013, at 6:32 PM, "Mark Grotefeld" <[mgrotefeld@ghlaw-llp.com](mailto:mgrotefeld@ghlaw-llp.com)> wrote:

John:

I am having our experts review. The immediate questions that come to mind

are: (1) whether 3 samples are sufficient, and (2) from where within the railcar the samples will be drawn.

Again, I am awaiting word back from our experts over the holiday weekend.

Regards,

Mark S. Grotefeld  
Grotefeld Hoffmann

On May 25, 2013, at 1:21 PM, "John McCoy" <[jmccoy@mlllaw.com](mailto:jmccoy@mlllaw.com)> wrote:

All,

Attached is the draft protocol for AN removal at the site.

I understand state and federal agencies want the removal to occur as soon as possible and before the inspection of June 3-4.

This protocol was put together in consultation with the AN manufacturer. A representative of the AN manufacturer was brought on site on Wednesday of last week to observe the rail car and its contents.

I would like to get approval for TCEQ on this plan or advise of changes.

I understand that the railroad, UP, is interested in removing the railcar

once the AN is removed. They are on this e-mail and we ask they coordinate with Crane Engineering for this removal. It will require a protocol that is acceptable to the people on this e-mail.

When we have an approved plan to remove the AN and railcar we will pick a date to implement the plan. We plan to video that removal and share with all "interested parties".

We do not intend to have all "interested parties" attend the removal of the AN or the railcar.

John

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**From:** Charles Keith  
[<mailto:chuckk@craneengineering.com>]  
]

**Sent:** Thursday, May  
23, 2013 8:55 PM

**To:** John McCoy

**Cc:** Matt Wilber

**Subject:** AN removal  
draft protocol

John

Here is a draft  
protocol for your  
review.

Please call to discuss

C

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